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Attorneys for Plaintiff Werner
Paddles, Inc.

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WERNER PADDLES, INC., a Washington corporation,

CV No. _____

Plaintiff,

COMPLAINT FOR PATENT INFRINGEMENT

JURY TRIAL REQUESTED

BRANCHES LLC, a Wisconsin limited liability company doing business as **AQUA-BOUND TECHNOLOGIES**,

Defendant.

Plaintiff Werner Paddles, Inc. (“Werner”) brings this action against Branches LLC, doing business as Aqua-Bound Technologies (“Aqua-Bound”), and alleges as follows:

THE PARTIES

1

Plaintiff Werner is a Washington corporation duly authorized to do business in the State of Washington with its principal place of business located in Snohomish County,

COMPLAINT - 1

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1 Washington. Werner designs and manufactures high quality paddles for touring, whitewater
2 and canoeing.

3 2.

4 On information and belief, Defendant Branches LLC is a Wisconsin limited liability
5 company doing business as Aqua-Bound Technologies, licensed to do business in the State of
6 Wisconsin with its principal place of business located in Osceola, Wisconsin. It also sells
7 paddles in all states, including Washington.

8 **JURISDICTION AND VENUE**

9 3.

10 The amount in controversy between the parties exceeds \$75,000.

11 4.

12 This action arises under the patent laws of the United States, including 35 U.S.C. §
13 271 et seq.

14 5.

15 This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (actions
16 arising under the laws of the United States), and 28 U.S.C. § 1338(a) (actions arising under
17 patent law).

18 6.

19 Venue is appropriate under 28 U.S.C. § 1391(a) and (b) in that a substantial part of
20 the events or omissions giving rise to the claims occurred within the Western District of
21 Washington, and 28 U.S.C. § 1400(a) in that plaintiff Werner and/or their agents may be
22 found within the Western District of Washington.

23 7.

24 Defendant Aqua-Bound is subject to this Court's personal jurisdiction, consistent
25 with the principles of due process and the Washington Long Arm Statute, because Aqua-
26 Bound offers their infringing products for sale in the Western District of Washington, have

COMPLAINT - 2

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1 transacted business in this District, and/or have committed and/or induced acts of patent
2 infringement in this District.

3 **FACTS COMMON TO ALL CLAIMS**

4 8.

5 Plaintiff Werner is owner of all right, title and interest in U.S. Patent No. 6,881,111
6 (“the ‘111 Patent”) issued on April 19, 2005 and entitled “Shaft coupler with positive angular
7 and axial locking features for coupling paddle sections together and angularly positioning the
8 sections relative to each other.” A true and correct copy of the ‘111 Patent is attached hereto
9 as Exhibit A.

10 9.

11 Defendant Aqua-Bound makes, uses, sells and offers to sell, and/or contributes to or
12 induces others to make, use, sell or offer to sell products that infringe the patent-in-suit. One
13 such line of infringing products is the Aqua-Bound paddle.

14 10.

15 Aqua-Bound has continued to sell infringing products such as its Aqua-Bound paddle,
16 even though it has actual notice of the patent-in-suit. Aqua-Bound has been recklessly
17 indifferent to Werner’s patent rights and is willfully infringing its patent-in-suit.

18 **FIRST CLAIM FOR RELIEF**
19 **(Infringement of the ‘111 Patent)**

20 11.

21 Plaintiff incorporates and realleges paragraphs 1-9 above.

22 12.

23 Defendant Aqua-Bound makes, uses, sells, and offers to sell within the United States,
24 and/or import into the United States, products called Aqua-Bound paddles that infringe claim
25 24 of the ‘111 Patent. A true and correct copy of an advertisement describing many of the
26 features of the Aqua-Bound paddle products is attached hereto as Exhibit B.

COMPLAINT - 3

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13.

2 Aqua-Bound's infringement is ongoing and willful.

3 14.

4 Aqua-Bound's ongoing infringement is irreparably harming Werner's business
5 opportunities and sales. Aqua-Bound's ongoing infringement will continue unless enjoined
6 by this Court, preliminarily and/or permanently under 35 U.S.C. § 283.

7 15.

8 Werner is entitled to damages for Aqua-Bound's infringement and may be entitled to
9 enhanced damages and attorneys' fees under 35 U.S.C. § 284 and § 285.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff Werner requests the Court to order or enter the following relief:

12 A. Damages adequate to compensate Werner for infringement of the patent-in-
13 suit based on lost profits, price erosion, or at least a reasonable royalty;

14 B. A declaration that Aqua-Bound's infringement of the patent-in-suit has been
15 willful and that this case is exceptional under 35 U.S.C. § 285;

16 C. Enhanced damages, costs and attorneys' fees if appropriate under 35 U.S.C. §
17 284 and § 285.

18 D. A preliminary and permanent injunction barring Aqua-Bound from continuing
19 to sell infringing products and an order requiring Aqua-Bound to destroy or deliver to
20 Werner all infringing products; and

21 E. Any other relief the Court deems to be just and appropriate.

22 ///

23 ///

24 ///

25 ///

26 ///

COMPLAINT - 4

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DEMAND FOR JURY TRIAL

Werner demands a trial by jury on all issues so triable.

DATED this 28th day of February, 2013.

**MARKOWITZ, HERBOLD, GLADE
& MEHLHAFF, P.C.**

By: /s/ Renée E. Rothauge

Renée E. Rothauge, WSBA #20661
Of Attorneys for Plaintiff

WERNBR\329023

COMPLAINT - 5

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